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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Magistrate Case No.
Plaintiff,	)	'08 MJ 1111 2008 APR 11 AM 10: 20
v.	)	COMPLAINT FOR VIOLATION OF:
Anatolio MORFIN-Gutierrez	)	Title 8, U.S.C., Section 1326; KWH Deported Alien Found in the United States
Defendant.	)	

The undersigned complainant, being duly sworn, states:

On or about **March 8, 2008,** within the Southern District of California, defendant, **Anatolio MORFIN-Gutierrez**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Deportation Officer
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **April, 2008.**

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
NAME: MORFIN-Gutierrez, Anatolio

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PROBABLE CAUSE STATEMENT

On Saturday, March 8, 2008, San Diego Police officer J. Ampol apprehended the defendant, Anatolio MORFIN-Gutierrez, for various drug related offenses. A Border Patrol Agent placed a detainer on Form I-247 on or about March 8, 2008, with the San Diego County Jail. On April 10, 2008, at approximately 9:00 a.m., the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, Ca.

A Deportation Officer conducted a thorough review of the Alien Registration File and immigration computer databases. These checks identified the defendant as a citizen of Mexico who was previously deported or removed from the United States to Mexico. Information gathered from the Alien Registration File indicates the defendant was most recently ordered removed or deported from the United States by an Immigration Judge on October 29, 2002; and removed to Mexico the same day via the Otay Mesa, California, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States lawfully.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Anatolio MORFIN-Gutierrez, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

All available information indicates that the defendant is a citizen of Mexico; was deported to Mexico pursuant to an order from an immigration judge; and is currently present in the United States in violation of law. Based upon the foregoing information, there is probable cause to believe that Anatolio MORFIN-Gutierrez has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.